

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

SECURITIES AND EXCHANGE)	
COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:11-cv-755
)	
STIFEL, NICOLAUS & CO., INC., et al.,)	
)	
Defendants.)	

**BRIEF IN SUPPORT OF DEFENDANT STIFEL, NICOLAUS & CO.’S FIFTEENTH
MOTION IN LIMINE TO EXCLUDE EVIDENCE RELATING TO PRIVATE JET**

The SEC should be precluded from adducing evidence or making argument relating to the use of a private jet by Stifel’s CEO Ron Kruszewski. Such evidence is irrelevant to any issue that will be before the jury and it poses a risk of inflaming the jury.

The potential for prejudice posed by evidence of a party’s wealth or lavish lifestyle is well recognized by federal courts. As the Supreme Court has stated, “appeals to class prejudice are highly improper and cannot be condoned and trial courts should ever be alert to prevent them.” *United States v. Socony-Vacuum Oil Co.*, 310 U.S. 150, 239 (1940). Therefore, such evidence should be excluded, unless it is relevant to the issues in the case. *See, e.g., Garcia v. Sam Tanksley Trucking, Inc.*, 708 F.2d 519, 522 (10th Cir. 1983); *United States v. Arledge*, 553 F.3d 881, 895 (5th Cir. 2008); *United States v. Jackson-Randolph*, 282 F.3d 369, 376 (6th Cir. 2002).

Mr. Kruszewski’s use of a private jet has no relevance whatsoever to the issues before the court and should, therefore, be excluded.

Dated this 1st day of August, 2016

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was filed using the Court's CM/ECF Filing System on all counsel of record.

/s/ Richard H. Kuhlman
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